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Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**OREGON PRESCRIPTION DRUG
MONITORING PROGRAM, an
agency of the STATE OF OREGON,**

Plaintiff,

v.

**UNITED STATES DRUG
ENFORCEMENT
ADMINISTRATION, an agency of the
UNITED STATES DEPARTMENT
OF JUSTICE,**

Defendant.

Case No.: 3:12-cv-02023-HA

**DEFENDANT'S MOTION FOR
EXTENSION OF TIME IN LIGHT
OF LAPSE OF APPROPRIATIONS**

**JOHN DOE 1, JOHN DOE 2, JOHN
DOE 3, JOHN DOE 4, DR. JAMES
ROE, and the AMERICAN CIVIL
LIBERTIES UNION OF OREGON,
INC.,**

Plaintiffs-Intervenors,

v.

**UNITED STATES DRUG
ENFORCEMENT
ADMINISTRATION, an agency of the
UNITED STATES DEPARTMENT
OF JUSTICE,**

Defendant in Intervention.

I. CERTIFICATE OF COMPLIANCE WITH LR 7-1

Pursuant to Local Rule 7-1, counsel for Defendant has conferred with counsel for Plaintiff, Sheila Potter, and she does not object to the extension of time. Counsel for Plaintiffs-Intervenors, Nathan Wessler, does object to the extension of time.

II. MOTION

Defendant United States Drug Enforcement Administration, (“DEA”), by S. Amanda Marshall, United States Attorney for the District of Oregon, through Assistant U.S. Attorney Kevin Danielson, moves this Court to extend the time to file its reply briefs until 14 days after the government shutdown ends and appropriations are restored.

1. Defendant's reply briefs are due October 15, 2013. Dkt. 50.
2. On September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for most Executive agencies. It is unknown when funding will be restored by Congress.
3. Absent an appropriation, Department of Justice Attorneys are prohibited from working, even on a voluntary basis, except in limited circumstances on matters that involve the protection of life or property.
4. Once the government shutdowns ends and appropriations are restored, counsel will need additional time to prepare the reply briefs and consult with agency attorneys.

III. CONCLUSION

Defendant requests that its reply briefs be due 14 days after the government shutdown ends and appropriations are restored.

Dated this 11th day of October 2013.

S. AMANDA MARSHALL
United States Attorney
District of Oregon

/s/ Kevin Danielson
KEVIN DANIELSON
Assistant United States Attorney